



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/783,932

02/14/2001

Dan Kikinis

007287.00033

1334

22907 7590 02/05/2008

BANNER & WITCOFF, LTD.

1100 13th STREET, N.W.

SUITE 1200

WASHINGTON, DC 20005-4051

EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

02/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/783,932	<b>Applicant(s)</b> KIKINIS ET AL.	
	<b>Examiner</b> SAJEDA MUHEBBULLAH	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,7,9,11-14,20 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,7,9,11-14,20 and 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is responsive to Amendment filed 11/16/2007.
2. Claims 1, 3, 7, 9, 11-14, 20 and 25-30 are pending in this application. Claims 1, 3, 7, and 9 are independent claims. In the Amendment, claims 1, 3, 7, 9, 11-14 and 20 were amended and claims 25-30 were added. This action is made Final.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 7, 9, 11-14, 20, 25, 27-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkura et al. ("Ohkura", US 6,005,601) in view of Clark, Jr. et al. ("Clark", US 6,064,943).

As per claim 1, Ohkura teaches a computer-implemented method for displaying data associated with an electronic program guide, comprising:

displaying hour sliders, each slider having a movable slide knob and two ends (Fig.10, *movable slide knob 100X2*);

displaying a currently set hour value on the movable slide knob of the hour slider based on a position of the hour slider's movable slide knob in between the hour slider's ends (Fig.10, *movable slide knob 100X2 currently set at 8*),

displaying electronic program guide data corresponding to the currently set hour value (Fig.10; *AREA Y*);

receiving user input corresponding to a move of one of the movable slide knobs to a new position in between the slider's ends (col.6, lines 26-27);

updating the display of the movable slide knob by changing the value displayed on the movable slide knob based on the new position in between the slider's ends (col.9, lines 13-17);  
and

updating the displayed electronic program guide data to correspond to changed value on the moveable slide knob (Fig.17; col.15, lines 12-25).

However, Ohkura does not teach displaying minute sliders and displaying a currently set minute value on the movable slide knob of the minute slider based on a position of the minute slider's movable slide knob in between the minute slider's ends which are draggable. Clark teaches the display of movable hour and minute slide knobs which may be dragged to change the number displayed of the hours and minutes (Clark, Fig.8, col.8, lines 25-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Clark's teaching with Ohkura's method in order to specify more precisely the time in hours as well as minutes.

Independent claims 3, 7 and 9 are individually similar in scope to independent claim 1, and are therefore rejected under similar rationale.

As per claim 11, Ohkura teaches the computer-implemented method further comprising, displaying the movable slide knobs concurrently with the electronic program guide, wherein each moveable slide knob corresponds to a different incremental value (Fig.10, *movable slide knobs 100X1, 100X2, 100Y, 100Z*).

Claims 12-14 are individually similar in scope to claim 11, and are therefore rejected under similar rationale.

As per claim 20, the method of Ohkura and Clark further teaches means for displaying a minute hand grab mechanism (Clark, Fig.8; col.8, lines 25-30).

As per claim 25, the method of Ohkura and Clark teaches wherein the movable slide knob of the minute slider is draggable in five-minute increments (Clark, Fig.8; col.8, lines 25-30; *user able to drag in 5 minute increments if desired*).

As per claim 27, the method of Ohkura and Clark teaches wherein the electronic program guide data corresponds to television program listings (Ohkura, Fig.6).

Claim 28 is similar in scope to claim 25, and is therefore rejected under similar rationale.

Claim 30 is similar in scope to claim 27, and is therefore rejected under similar rationale.

5. Claims 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkura et al. ("Ohkura", US 6,005,601) and Clark, Jr. et al. ("Clark", US 6,064,943) in view of Bryan, Jr. et al. ("Bryan", US 5,559,301).

As per claim 26, the method of Ohkura and Clark teaches the method of claim 1 wherein the value is displayed on the movable slide knob (Ohkura, Fig.10, *knob 100X2*). However, the method of Ohkura and Clark does not teach wherein only numerical values displayed on each slider are values displayed on the slider's ends and the value displayed on the movable slider knob. Bryan teaches a method of displaying a movable slide knob wherein only the value of the slide ends are displayed along with the currently selected value (Bryan, Fig.4B, 4D; col.5, lines 55-62). It would have been obvious to one of ordinary skill in the art at the time of the invention

Art Unit: 2174

to combine Bryan's teaching with the method of Ohkura and Clark in order to reduce clutter on the display.

Claim 29 is similar in scope to claim 26, and is therefore rejected under similar rationale.

### ***Response to Arguments***

6. Applicant's arguments filed 11/16/2007 have been fully considered but they are not persuasive.

Applicant argued that the cited references do not teach a slider with movable slide knobs.

The Examiner disagrees because Ohkura clearly teaches slide knobs (Ohkura, Fig.10, 100X2). Sliders are controls that move horizontally or vertically while in constant contact with the surface which Ohkura teaches wherein the knob is in constant contact and can only move horizontally or vertically one step at a time and not by simply clicking the desired value (Ohkura, col.6, lines 26-27).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Communications***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Sajeda Muhebbullah***

***Patent Examiner***

***Art Unit 2174***

***/S. M./***

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174